IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1113 OF 2006

Shri Trimbak M. Pondkule and ors. ...Appellants

v/s

Shri Motiram M. Pondkule and ors. ...Respondents

Mr V.S. Gokhale for Appellants.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2007.

P.C. :-

1. The Appeal Court has held that though the sale deed of the land is in the names of defendant Nos.1 and 2, considering that in the year 1981 when the land was purchased, the defendant Nos.1 and 2 were eldest members of the family after the death of their father in the year 1978, in the absence of any evidence led by them that they purchased the property from their separate earnings, it has to be concluded that they purchased the property from the joint family funds. So far as the partition effected in the year 1987 and exclusion of this land from that partition is concerned, the Appeal Court has held that because the Court accepted the case of the plaintiffs that this land was mortgaged with the Society, it was excluded. The entire case turns on appreciation of evidence on record. I do not see any substantial question of law arising in this appeal.

Appeal is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.